

**UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

ERNEST STEPP)
11640 Kilbourne Road) Case No. _____
Sunbury, OH 43074)
)
Plaintiff,) Judge: _____
)
v.)
)
ESTATE OF CHERYL NYE,)
Serve: Gary Nye, Administrator)
53152 Springhill Meadows Drive)
Macomb, MI 48042)
)
&)
)
ERIE INSURANCE COMPANY)
Serve: Jan R. Van Gorder)
100 Erie Insurance Place)
Erie, PA 16530)
)
Defendants.)

COMPLAINT WITH JURY DEMAND

The Plaintiff, Ernest Stepp, for their Complaint against the Defendants, Estate of Cheryl Nye and Erie Insurance Company, state as follows:

1. The Plaintiff, Ernest Stepp, is a resident of Franklin County in the State of Ohio, residing at 11640 Kilbourne Road, Sunbury, OH 43074.
2. The Defendant, Estate of Cheryl Nye, is a Michigan estate administered by Gary Nye, who may be served at 53152 Springhill Meadows Drive, Macomb, MI 48042. Cheryl Nye was a Michigan resident and citizen who passed away on or about August 5, 2021.

3. The Defendant, Erie Insurance Company, is a Pennsylvania insurer and citizen licensed to do business in the State of Ohio, who may be served at 100 Erie Insurance Place, Erie, PA 16530.

4. Plaintiff and Defendants are citizens of different states and jurisdiction is proper within this court pursuant to 28 USC § 1332.

5. The Plaintiff's damages are in excess of \$75,000.00 and the minimum dollar amount necessary to establish the diversity jurisdiction of this Court pursuant to 28 USC § 1332.

6. On or about August 15, 2021, in Kingston, Delaware County, Ohio, Cheryl Nye operated a vehicle in a negligent, careless, and reckless manner causing it to collide with a vehicle occupied by the Plaintiff.

7. The collision referred to in the aforementioned Paragraph was the result of the negligence of Cheryl Nye.

8. The collision occurred when Cheryl Nye failed to yield at a stop sign and executed a left turn directly into the Plaintiff's vehicle while they were operating westbound on Route 65 operating their vehicle with all due care.

9. That as a direct and proximate result of the aforementioned collision, Plaintiff suffered temporary and permanent injuries causing great physical, mental pain, emotional distress and anguish and the loss of enjoyment of life and will continue to suffer such damage in the future, the injuries being permanent in nature; that the Plaintiff is subject to increased risk of future harm; has lost wages and that the ability to earn wages in the future is impaired; that the Plaintiff has incurred large sums of money for physicians and medical expenses in treatment of said injuries and will be required to incur large sums of money for physicians and medical expenses in the future, and injuries being permanent in nature.

10. The Plaintiff's damages are in excess of \$75,000.00 and the minimum dollar amount necessary to establish the jurisdiction of this Court.

11. At all times relevant herein and at the time of the collision described above, Plaintiff was covered under a policy of insurance with Defendant, Erie Insurance Company. A copy of the policy is in the possession of the Erie who issued same in Delaware County, Ohio.

12. Erie Insurance Company provided uninsured/underinsured motorist coverage to Plaintiff which applies to the above-referenced collision and Plaintiff has complied with all conditions for seeking the same.

13. Cheryl Nye may be an underinsured/uninsured motorist.

14. Plaintiff is entitled to underinsured/uninsured motorist benefits from Erie Insurance Company to the extent provided by the policy and by operation of law arising out of the injuries and damages itemized above.

15. Venue is proper in the within court because the auto wreck at issue occurred within Delaware County, Ohio.

WHEREFORE, Plaintiffs, Ernest Stepp, demands judgment against Defendants Estate of Cheryl Nye and Erie Insurance Company, as follows:

- A. A trial by jury on all issues of fact herein;
- B. Compensatory damages against the Defendants in a fair and reasonable amount to be determined by a jury sitting at the trial of this matter, but in an amount sufficient to confer jurisdiction on this Court;
- C. For prejudgment interest from the date of the Plaintiffs' injuries until such time the judgment is paid;
- D. For Plaintiffs' costs herein expended; and

E. For any and all other relief to which the Plaintiffs are entitled.

JURY DEMAND

Plaintiff hereby requests a trial by jury in this action.

RESPECTFULLY submitted this 11th day of November, 2022,

/s/Jesse A. Shore
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